

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

GARY & CHERIE DEVERAUX,
STEVE & JUDY WOODARD,
CHRISTINE BLAYLOCK, KYLE
LANGE, JOHN & JOYCE
MCDONALD, and TIM & CHRISTI
REISENAUER, individually and on
behalf of others similarly situated,

Plaintiffs,

vs.

MEADLOWLARK OF BILLINGS
LLC, and HAVENPARK
MANAGEMENT LLC,

Defendants.

CV 22-136-BLG-SPW

ORDER

Before the Court is Defendants Meadowlark of Billings LLC and Havenpark Management LLC's Motion to Dissolve State Court Order. (Doc. 8). Defendants urge the Court to dissolve the state court's order granting a temporary restraining order¹ because Plaintiffs did not give Defendants notice of the application for injunctive relief or provide the state court with reasons that notice should not be

¹ As both parties note, whether the state court order is one for a temporary restraining order or preliminary injunction is, on its face, unclear. Despite the order's reference to a preliminary injunction, the fact that it was issued without notice—which is not allowed for a preliminary injunction under state law, Mont. Code Ann. § 27-19-301(1)—and it was to expire within seven days of its issuance, the Court presumes it is a temporary restraining order.


required, in violation of Montana law. (Doc. 9 at 4-5). Plaintiffs respond that the issue is moot because the restraining order expired December 16, 2022, pursuant to Montana Code Annotated § 27-19-316.

When a temporary restraining order is issued by a state court and then the case is removed to federal court, the relief remains in effect for 14 days from the date of removal. *Granny Goose Foods, Inc. v. Brotherhood of Teamsters and Auto Truck Drivers Local No. 70 of Alameda Cty.*, 415 U.S. 423, 437 (1974) (citing Fed. R. Civ. P. 65(b)(2)). Here, the state court granted a

temporary restraining order on December 6, 2022. (Doc. 1-7). Defendants removed the case to this Court on December 7, 2022. (Doc. 1). As such, the order for the temporary restraining order was in effect until December 21, 2022. Since Plaintiffs did not seek an extension of the order, there is no order for the Court to dissolve and the issue is moot.

IT IS SO ORDERED that Defendants Meadowlark of Billings LLC and Havenpark Management LLC's Motion to Dissolve State Court Order (Doc. 8) is DENIED as moot.

DATED this 26th day of January, 2023.


SUSAN P. WATTERS
United States District Judge